

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Lowana Shanell Dumas,

Plaintiff,

v.

Case No. 09-13155

United States of America,

Honorable Sean F. Cox

Defendants.

_____ /

ORDER OF DISMISSAL

Plaintiff Lowana Shannell Dumas (“Dumas”) has filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983.

Dumas’s complaint reflects that she previously filed a civil action against a third party that was assigned to the Honorable Patrick J. Duggan (Case No. 05-71844) in this district. In an Opinion and Order issued on August 11, 2006, Judge Duggan granted summary judgment in favor of the defendant as to all claims and dismissed Dumas’s action.

Dumas then filed an appeal with the United States Sixth Circuit Court of Appeals (Case No. 06-2151). In an Order filed on August 29, 2007, a three-judge panel of the Sixth Circuit affirmed the district court’s grant of summary judgment.

_____ Now, in this action, Dumas seeks to assert § 1983 claims against the district court and the Sixth Circuit for alleged errors that occurred during the course of her prior action. (See Pl.’s complaint at 2-4) (“It is the actions of the US District Court and the actions of the 6th Circuit Court of Appeals which are the subject of this litigation,” the “district court erred when based

upon its conclusion in regard to one claim, it used a domino-effect to deny all others,” the “district and appellate courts made errors in regard not only to interpretation of established statutes, but also made several procedural errors which impact the rights of pro se litigants in general.”). Dumas seeks “compensatory and punitive damages in the dollar amount of \$500,000.” (Compl. at 38).

Dumas has been granted *in forma pauperis* status. Pursuant to 28 U.S.C. § 1915(e)(2), a district court may *sua sponte* dismiss an *informa pauperis* complaint before service on the defendants if the court determines that the action “is frivolous or malicious.” 28 U.S.C. § 1915(e)(2); *Harris v. Johnson*, 784 F.2d 222, 223 (6th Cir. 1986).

A complaint may be dismissed as frivolous “where it lacks an arguable basis either in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Sullivan v. Ford*, 828 F.Supp. 480, 481 (E.D. Mich. 1993). A complaint for damages is frivolous as to defendants who are clearly immune from damages. *Sullivan*, 828 F.Supp. at 482 (citing *Neitzke*, *supra*).

_____ Here, Dumas seeks to recover § 1983 damages based on the judicial rulings by Judge Duggan and the panel of the Sixth Circuit that decided her appeal. It is well established, however, that judges enjoy absolute immunity from § 1983 damage liability. *Pierson v. Ray*, 386 U.S. 547 (1967). Accordingly, Dumas’s complaint is frivolous.¹

Accordingly, **IT IS ORDERED** that, pursuant to 28 U.S.C. § 1915(e)(2), this action is hereby **DISMISSED** as frivolous.

¹Moreover, to the extent that Dumas asks this Court to review the rulings of the district court or the Sixth Circuit with respect to her prior action, this Court lacks the jurisdiction to do so.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 4, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager